

REMARKS/ARGUMENTS

In view of the remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this amendment, claims 1-10 have been cancelled and claims 11-38 have been added. Thus, claims 11-38 are pending for further examination.

Claims 1-2, 4-7, and 9-10 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Junky et al. (U.S. Patent No. 5,790,527), and claims 3 and 8 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Junky in view of Raith (U.S. Patent Publication No. 2002/0102974). Without acquiescing to the propriety of these rejections, as noted above, Applicant has cancelled claims 1-10 and added claims 11-38. New claims 11-38 highlight the fact that first and second mobile stations may communicate on a direct mobile station-to-mobile station radio communication link. More particularly, claim 1 recites “deciding, based on whether the available frequency has a signal quality sufficient to allow a direct mobile station-to-mobile station radio communication link between the first and second mobile stations, whether to connect the call via the direct mobile station-to-mobile station radio communication link; and establishing a direct connection for the call between said first and second mobile stations, thereby extending call capacity of the cellular network,” and claim 25 includes corresponding limitations.

Neither Junky nor Raith teach analogous features to those noted above with respect to claims 1 and 25. In contrast, Junky is directed to providing interoperability between (a) sites and radios that have time division multiple access (TDMA) communications capabilities, and (b) sites and radios that have only frequency division multiple access (FDMA) capabilities. Junky accomplishes this by adding TDMA channels to existing FDMA sites, thereby making it possible to connect digital communication systems to the older analog communication systems. Thus,

although Junky represents something like a "dual system," it does not teach or suggest connecting a call via a direct mobile station-to-mobile station radio communication link.

Raith describes a system that links together two different infrastructures -- namely, mobile cellular systems and conventional cordless telephone systems. These techniques appear to make it possible to initiate a call from a mobile telephone while in an office using the cordless telephone system and to continue the call using the normal cellular network when leaving the office. Thus, although Raith represents a system in which a person can conduct a call using a telephone that operates via either a cellular or cordless protocol, it does not teach or suggest connecting a call via a direct mobile station-to-mobile station radio communication link.


In view of the above amendments and remarks, Applicant respectfully submit that all the claims are patentable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

NIXON & VANDERBYE P.C.

By: _____


Paul T. Bowen
Reg. No. 38,009

PTB/JR:lmj
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100